

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

UNITED STATES OF AMERICA, *ex rel.*,)
GREGORY M. GOODMAN,)
)
)
Plaintiff,) Civil Case No.: 3:13-cv-00760
)
)
v.) JUDGE TRAUGER
)
)
ARRIVA MEDICAL, LLC, et al.,) JURY TRIAL DEMAND
)
)
Defendants.)

JOINT STIPULATION OF DISMISSAL OF DEFENDANTS ARRIVA AND ALERE

Pursuant to Federal Rule of Civil Procedure 41(a)(2), the False Claims Act, 31 U.S.C. §§ 3729, *et seq.*, and in accordance with the terms and conditions of the Settlement Agreement with Defendants Arriva Medical, LLC and Alere, Inc. (collectively, “Arriva and Alere”), in this case, the United States and Relator Gregory Goodman jointly stipulate to the dismissal of Arriva and Alere with prejudice from this action. A copy of the Settlement Agreement with Arriva and Alere is attached. *See* Ex. 1 (Settlement Agreement with Arriva and Alere). On August 5, 2021, under the terms of the Settlement Agreement, Arriva and Alere made their total settlement payment. This action remains pending against the remaining Defendants – Ted Albin and Grapevine – who have not been dismissed by the Court.

The Relator, on behalf of himself, his heirs, successors, attorneys, agents, and assigns, stipulates and agrees that the Settlement Agreement referenced above and the terms and conditions described therein are fair, adequate, and reasonable under all of the circumstances of this case, that he will not challenge the settlement pursuant to 31 U.S.C. § 3730(c)(2)(B), and that he expressly waives the opportunity for a hearing on any objection to the settlement under 31 U.S.C. § 3730(c)(2)(B).

Accordingly, subject to the terms of the Settlement Agreement, the United States and the Relator now stipulate to the entry of an order that (1) dismisses Arriva and Alere from the Amended Complaint in this action with prejudice as to all claims against Arriva and Alere; (2) provides that the Court retains jurisdiction over any disputes that may arise regarding the Settlement Agreement; and (3) provides that the Court retains jurisdiction over this action in so far as this case remains pending against Albin and Grapevine. A proposed order is attached.

Respectfully submitted,

For the United States:

BRIAN BOYNTON
Acting Assistant Attorney General

MARY JANE STEWART
Acting United States Attorney
Middle District of Tennessee

By: s/ Ellen Bowden McIntyre
ELLEN BOWDEN MCINTYRE, BPR 023133
Assistant United States Attorney
110 9th Avenue South, Suite A-961
Nashville, Tennessee 37203-3870
Tel: (615) 736-2125
Fax: (615) 401-6626
ellen.bowden2@usdoj.gov

By: s/ Jake M. Shields
JAKE M. SHIELDS
U.S. Department of Justice
Civil Division, Fraud Section
P.O. Box 261, Ben Franklin Station
Washington, DC 20044
Tel: (202) 514-9401
Fax: (202) 514-0280
jake.m.shields@usdoj.gov

For the Relator:

By: s/ Jerry E. Martin
JERRY E. MARTIN
DAVID W. GARRISON
SETH MARCUS HYATT
SCOTT P. TIIFT
Barrett Johnston Martin & Garrison, LLC
Bank of America Plaza
414 Union Street
Suite 900
Nashville, TN 37219
dgarrison@barrettjohnston.com
jmartin@barrettjohnston.com
stift@barrettjohnston.com
shyatt@barrettjohnston.com

CERTIFICATE OF SERVICE

I certify that a true and correct copy of the foregoing is being served, by use of the Court's electronic case management system, on August 10, 2021, to the following:

<p>David W. Garrison Jerry E. Martin Scott P. Tift Seth Marcus Hyatt Barrett Johnston Martin & Garrison, LLC Bank of America Plaza 414 Union Street Suite 900 Nashville, TN 37219 Email: dgarrison@barrettjohnston.com Email: jmartin@barrettjohnston.com Email: stift@barrettjohnston.com Email: shyatt@barrettjohnston.com</p>	<p>James E. Barz Robbins Geller Rudman & Dowd LLP (Chicago Office) 200 S Wacker Drive , 31st Floor Chicago, IL 60606 Email: jbarz@rgrdlaw.com</p>
<p>Andrew A. Kassof Elizabeth S. Hess Diana M. Watral Daniel I. Siegfried Kirkland & Ellis, LLP 300 North LaSalle Chicago, IL 60654 Email: andrew.kassof@kirkland.com Email: diana.watral@kirkland.com Email: daniel.siegfried@kirkland.com Email: elizabeth.hess@kirkland.com</p>	<p>Matthew M. Curley J. Taylor Chenery Margaret Dodson Bass Berry & Sims PLC 150 Third Avenue South, Suite 2800 Nashville, TN 37201 Email: mcurley@bassberry.com Email: tchenery@bassberry.com Email: mdodson@bassberry.com</p>
<p>Ty E. Howard Charles F. Spainhour Bradley Arant Boult Cummings, LLP 1600 Division Street, Suite 700 Nashville, TN 37203 Email: thoward@bradley.com Email: fspainhour@bradley.com</p>	

s/ Ellen Bowden McIntyre
ELLEN BOWDEN MCINTYRE
Assistant United States Attorney